

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

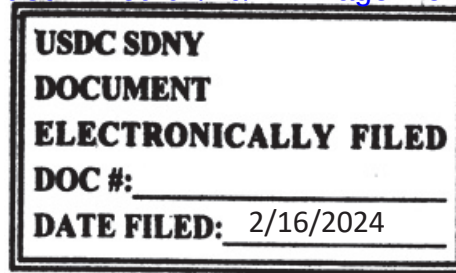
Parnell D. Vaughn,

Plaintiff,

-against-

Metropolitan Transit Authority et al.,

Defendants.



1:22-cv-03221 (LTS) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

The Court is in receipt of Plaintiff's letter seeking to file a partial motion for default judgment as to defendant Transportation Workers Union Local 100 ("TWU Local 100"). (See Pl.'s 2/12/24 Letter, ECF No. 58.) According to the Affidavit of Service filed by Plaintiff on December 8, 2023, TWU Local 100 was served on November 30, 2023. (See Aff. of Service, ECF No. 48.) Thus, TWU Local 100's deadline to respond to the Third Amended Complaint was December 21, 2023.¹ Nonetheless, Plaintiff's request to file a motion for default judgment as to TWU Local 100 is premature.

Rule 55 of the Federal Rules of Civil Procedure establishes a two-step process for obtaining a default judgment. First, "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Second, after default has been entered, and the defendant fails to appear or move to set aside the default under Rule

¹ The Court notes that although the Court granted a motion to stay discovery in this action on December 18, 2023 (see 12/18/23 Order, ECF No. 51), the stay of discovery did not affect other deadlines in this action, including the time for TWU Local 100 to respond to the Third Amended Complaint.

55(c), the Court may, on plaintiff's motion, enter a default judgment against that defendant. Fed. R. Civ. P. 55(b)(2). Thus, Plaintiff must first obtain a certificate of default from the Clerk of Court. The necessary form and related instructions are available on the Court's website. See Clerk's Certificate of Default, <https://nysd.uscourts.gov/forms/clerks-certificate-default>.

A copy of this Order will be mailed by Chambers to TWU Local 100 at 195 Montague Street, 3rd Floor, Brooklyn, NY 11201. In addition, a copy of this Order will be emailed by Chambers to TWU Local 100 at communications@twulocal100.org.

SO ORDERED.

Dated: New York, New York
February 16, 2024

A handwritten signature in black ink, appearing to read "Stewart D. Aaron".

STEWART D. AARON
United States Magistrate Judge